

SEP 02 2015

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of:)	BOEE Case No. 15-109
)	
Marlys R. Frohwein,)	COMBINED STATEMENT OF
)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER
Respondent.)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a MASTER EDUCATOR LICENSE (FOLDER # 170819) with the following endorsements: Teacher (7-8); K-12 Athletic Coach; K-8 Physical Education; 5-12 Physical Education; 5-12 Behavioral Disorders; 5-12 Mental Disabilities Mild/Moderate; 5-12 Multicategorical Resource Mild; 5-12 Multicategorical Special Class with Integration; 5-12 Instructional Strategist I: Mild/Moderate; and K-12 Instructional Strategist II: MD. Respondent's license is current and will next expire on January 31, 2020. Respondent also holds an expired Professional Administrator License and an expired Class E License.

2. Respondent was initially employed with the Lewis Central Community Schools on August 20, 1991 as a special education teacher. She remained in that position until her resignation effective June 16, 2015.

3. On June 29, 2015, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On August 7, 2015, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below. The Board charged Respondent with violation of Board rule 282 Iowa Administrative Code 25.3(3)(e), which prohibits misrepresentation or falsification of information by falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests. The Board also charged Respondent with violation of Board rule 282 Iowa Administrative Code rule 25.3(3)(b), which prohibits falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.

5. Respondent admitted she provided students extra time to think through questions on their tests, an accommodation not provided in any of the students' IEP.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) year of the Board's acceptance of this Combined Settlement Agreement and Final Order.

LICENSEE DECLARATION

I understand that this Settlement Agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the Combined Statement of Charges, Settlement Agreement, and Final Order, and understand that my failure to do so can result in additional discipline of my teaching and administrative licenses.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

8-31-15
Date


Marlys R. Frohwein
Marlys R. Frohwein, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.
2. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) year of the date of this Order.
3. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 9TH day of October, 2015.


Duane T. Magee, Executive Director
Iowa Board of Educational Examiners

Copies to:

Marlys R. Frohwein
RESPONDENT

Renner K. Walker
ATTORNEY FOR STATE